United Nations S/PV.6305

Security Council

Sixty-fifth year

Provisional

6305th meeting

Friday, 30 April 2010, 5.25 p.m.

New York

President:	Mr. Takasu	(Japan)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mr. Moretti
	China	Mr. La Yifan
	France	Mr. Araud
	Gabon	Mr. Issoze-Ngondet
	Lebanon	Mr. Ramadan
	Mexico	Mr. Heller
	Nigeria	Mr. Onemola
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Ms. Anderson

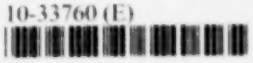
Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2010/175)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-33760 (E)



Please recycle

The meeting was called to order at 5.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2010/175)

The President: I should like to inform the Council that I have received a letter from the representative of Spain, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of Council members to document S/2010/175, which contains the report of the Secretary-General on the situation concerning Western Sahara.

Members of the Council have before them document S/2010/216, which contains the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

In accordance with the understanding reached in the Council's prior consultations, I shall now read out the following revised first preambular paragraph of the draft resolution:

"Recalling and reaffirming all its previous resolutions on Western Sahara".

In accordance with the understanding reached in the Council's prior consultations, I shall now read out the following revised eighth preambular paragraph:

"Stressing the importance of ma progress on the human dimension of the cor as a means to promote transparency and mu confidence through constructive dialogue humanitarian confidence-building measures, noting the need for all parties to adhere to obligations, taking into account the roles responsibilities of the United Nations system the relevant paragraphs of the United Na Secretary-General's report".

In accordance with the understanding reache the Council's prior consultations, I shall now read the following revised operative paragraph 9:

"Decides to extend the existing manda MINURSO until 30 April 2011".

It is my understanding that the Council is r to proceed to the vote on the draft resolution befo as orally amended. Unless I hear any objection, I proceed to put the draft resolution to the vote now.

There being no objection, it is so decided.

I shall now give the floor to those members o Council who wish to make statements before voting.

Mr. Rugunda (Uganda): I would like to take opportunity to explain Uganda's vote before the v on this important draft resolution on the U Nations Mission for the Referendum in Western Sa (MINURSO) (S/2010/216).

Western Sahara has been a full-fledged mem of the African Union since 1982. It is the only cou in Africa still awaiting the completion of its proce decolonization. It is important to recall and reaf the mandate of the United Nations Mission for Referendum in Western Sahara, as stipulated Security Council resolution 690 (1991). MINURS core mandate is to monitor the ceasefire and orga and conduct a referendum to enable the Saha people to choose between integration with Mor and independence. Uganda would like to empha that any attempt to deviate from that core gui principle of MINURSO's mandate will only counterproductive. It is essential to take a balanced impartial approach in dealing with the questio Western Sahara.

We are deeply concerned about the allegatio widespread violations of human rights in the terr

of Western Sahara and in the refugee camps near Tindouf. Uganda shares the Secretary-General's view, stated in his report, that

> "The United Nations and the international community as a whole have an interest in advancing respect for international human rights standards and in ensuring that each party to the conflict understands its responsibilities in this regard". (*S/2010/175, para. 76*)

We also concur with the Secretary-General that "the United Nations recognizes its duty to uphold human rights standards in all its operations, including those relating to Western Sahara" (*ibid., para. 59*).

We therefore note with concern that the Secretary-General clearly states that MINURSO has no staff on the ground to address human rights issues. We are convinced that the setting up of a mechanism for human rights monitoring is an essential confidence-building measure that would contribute to advancing the peaceful resolution of the question of Western Sahara.

The process of negotiating this draft resolution left a lot to be desired. It is our view that, in future, the process should be more inclusive and should be conducted in a timely manner.

Uganda supports MINURSO, and consequently Uganda will vote in support of the draft resolution.

Mr. Onemola (Nigeria): Last week, Mr. President, you presided over an open debate on the working methods of the Security Council (see S/PV.6300). Contributions to the debate by members and non-members of the Council were rich and substantive. Barely one week after that fruitful debate, we are constrained to express our views on issues of process and substance related to the draft resolution contained in document S/2010/216, on the United Nations Mission for the Referendum in Western Sahara (MINURSO).

With regard to process, we are dissatisfied that the draft resolution was negotiated by a handful — at best, a minority — rather than by the collective membership of the Council. That does not measure up to the expectation of and quest for inclusiveness and transparency in the work of the Council. Moreover, the difficulty of incorporating changes to the draft text of the Group of Friends has really damaged the spirit of accommodation, flexibility and openness that underpins such negotiations. We feel that this does not augur well for the reputation of the Council or, more important, for the preservation of its unity.

There is also a substantive issue at stake. At its 2984th meeting on 29 April 1991, the Security Council established through resolution 690 (1991) the United Nations Mission for the Referendum in Western Sahara. Central to MINURSO's mandate is the referendum in Western Sahara as part of a peaceful negotiated settlement of an intractable problem. In essence, MINURSO derives its legal basis and relevance from that resolution. We are deeply troubled by the lack of reference to resolution 690 (1991) in the current draft resolution.

All States Members of the United Nations have emphasized the need for coherence and consistency in the policies we promote. In 2005, human rights received a major boost with the establishment of the Human Rights Council. Collectively, Members reaffirmed their commitment and obligation to promote universal respect for and the observance and protection of all human rights and fundamental freedoms for all, in accordance with the United Nations Charter. This is all the more true in cases in which parties to a conflict accuse each other of human rights violations.

Not long ago, we were reminded of the need for the Council to be told what needs to be said, and not what needs to be heard. In other words, hard and bitter truths should be told. In that spirit, we would like to say that it is a matter of regret that, with respect to Western Sahara, there is not only an apparent reluctance of the Council to be coherent, consistent and forthcoming on the important question of human rights, but also an attempt to downplay the seriousness of their abuse. The failure of the Council to address the human rights challenges in Western Sahara is doing serious harm to its credibility and commitment to the protection and defence of human rights.

Only two days ago, more than 30 Nigerian non-governmental organizations and well-meaning individuals in Abuja called on the United Nations to protect human rights in Western Sahara and to enable the Saharan people to exercise their right to self-determination and independence. Indeed, in his latest report to the Council (S/2010/175), the Secretary-General has expressed concern over the human rights challenges in Western Sahara. The minimum this Council can do is to be seen to promote and vigorously

defend human rights as a universal principle in all circumstances.

The Council should not portray itself as sacrificing fundamental principles on the alluring altar of expedience. There is neither a logical explanation for nor a justification of the fact that all United Nations peacekeeping missions, except that in Western Sahara, have human rights components in their mandates. The Council bears a moral burden and duty to explain the non-inclusion of a provision in the current draft resolution calling on the parties to engage in dialogue with the Office of the United Nations High Commissioner for Human Rights. We are convinced of the necessity of such a call to encourage respect for and the promotion and defence of human rights by all parties as a universal principle.

Nigeria appreciates the efforts made by all concerned in preparing and presenting the draft resolution before us. We take note of the work of the Group of Friends seized with the matter, and encourage it to redouble its efforts in that regard. However, it is Nigeria's abiding hope that, at the end of the day, the long-suffering people of Western Sahara will come to know peace and that the logic of peace and respect for the fundamental freedoms of all the people of the territory will prevail.

Finally, we strongly suggest that future negotiations on MINURSO be broadened from the onset in order to avoid the cumbersome process of renegotiating the agreements and delicate balances achieved by the Group of Friends. Perhaps the Council needs to revisit the role of the Group of Friends, given the experience of 2009 and the negotiations that led to the draft resolution before us.

Nigeria will support the draft resolution before us.

The President: I now put to the vote the draft resolution contained in document S/2010/216, as orally amended.

A vote was taken by show of hands.

In favour:

Austria, Bosnia and Herzegovina, Brazil, China, France, Gabon, Japan, Lebanon, Mexico, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution, as orally amended, has been adopted unanimously as resolution 1920 (2010).

I shall now give the floor to those members of the Council who wish to make statements after the voting.

Ms. Anderson (United States of America): The United States fully supports the Secretary-General and his Personal Envoy, Chris Ross, in their efforts to find a peaceful, sustainable and mutually agreed solution to the Western Sahara conflict, and welcomes the Special Representative of the Secretary-General for Western Sahara and head of the United Nations Mission for the Referendum in Western Sahara (MINURSO), Hany Abdel-Aziz.

We welcome the fact that, during Ambassador Ross's recent trip to the region, all of his interlocutors confirmed their commitment to cooperating with the United Nations to reach a solution to the Western Sahara conflict as soon as possible. We encourage all involved to come to the table without preconditions. This conflict has languished for too long and has hindered regional cooperation on urgent and emerging issues facing North Africa. We believe that it is essential that the parties demonstrate the political will to identify a mutually acceptable solution, and we hope that neighbouring States will assist the parties in doing so.

We call on the parties to work collaboratively with the Office of the United Nations High Commissioner for Refugees to facilitate the implementation of their agreement regarding family visits, including the establishment of family visits by land. We hope that family visits by air will be resumed as soon as possible and that the parties will engage constructively with each other and the Personal Envoy of the Secretary-General to pursue other forms of confidence-building measures.

We are deeply concerned about the allegations of human rights abuses by the parties. We urge the parties to work with the international community to ensure full respect for human rights both in Western Sahara and in the Tindouf camps. In this context, we underscore the importance of making progress on the human rights situation. Given the current situation on the ground and Ambassador Ross's continuing efforts, we agree that the presence of MINURSO remains indispensable. That is why we have just supported renewing MINURSO's mandate for another 12 months.

Mr. Araud (France) (*spoke in French*): The resolution we have just adopted highlights the importance which the international community attaches to the political process in Western Sahara. The status quo is not unacceptable in the long term. We call on all the parties to display greater political will to reach a solution that is fair, lasting and mutually acceptable.

In that regard, my delegation recalls the importance of the autonomy proposal put forward by the Kingdom of Morocco in 2007, which allowed negotiations to resume and which, in our opinion, constitutes the basis for credible, open and constructive negotiations that respect the principle of self-determination. The proposal therefore deserves to be carefully considered by the various parties.

This year, the Personal Envoy of the Secretary-General held two informal negotiating sessions and made two visits to the region. The dialogue has been patiently renewed. The process is slow but moving forward. We commend the skill with which Mr. Christopher Ross has shepherded progress and trust in his capacity to move ahead with our full support. However, he will be able to do nothing without the full commitment of the parties, which must participate seriously in the negotiations, display a sense of realism and a spirit of compromise, and abstain from all provocation. The settlement of this issue is necessary to the people of Western Sahara and to the security, stability and integration of the Maghreb region.

Resolution 1920 (2010) also sends a critical message about confidence-building measures, in particular family visits. Visits by air, which have been halted since March, must be re-established, and visits by land must be inaugurated as soon as possible. It not acceptable that civilian populations be held hostage by political considerations. Everything must be done to alleviate their daily struggles, and we welcome the role played by the Office of the United Nations High Commissioner for Refugees in that regard.

We also support all measures to be taken in the political and humanitarian spheres, with the agreement of the parties, to promote mutual trust.

In conclusion, my delegation would like to highlight one particular issue and recall how important it is that the Council be able to ensure better financial tracking for all peacekeeping operations, including MINURSO, in line with the initiative launched jointly with the United Kingdom. This means that the reports of the Secretary-General published prior to mandate renewals should contain financial estimates for the recommendations made in them.

We note also that the MINURSO budget has grown considerably since two years ago, while the mandate and format of the Mission have not changed substantially. We hope that the discussions that will take place in the Fifth Committee will make possible a convincing argument for the validity of the premises underpinning the 2010-2011 budget.

Mr. Heller (Mexico) (*spoke in Spanish*): Mexico joined the consensus on resolution 1920 (2010), which we have just adopted, thus expressing our support to the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the steps taken by the Personal Envoy of the Secretary-General to find a final solution to the question of Western Sahara.

Nonetheless, we would have preferred a more balanced and direct text that would have addressed every issue and not avoided matters that are central to the situation in Western Sahara or set aside essential principles of international law. Respect for the self-determination of peoples and the question of human rights, which are at the core of the situation, deserved to be addressed in greater depth and more directly, as in Security Council resolutions in general.

We must also learn from the process of negotiating this resolution. The negotiations on Western Sahara are not and can no longer be the monopoly of any group of countries. They must be the collective responsibility of all Council members. Indeed, today we were able to reach this consensus with the participation and proposals of all delegations. This should be a lesson for the future.

Mr. Mayr-Harting (Austria): Austria fully supports the renewal of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for another 12 months and underlines its continued support for the efforts by the Secretary-General and his Personal Envoy for the resumption of substantive and results-oriented negotiations.

We are very glad that the Council was able to maintain consensus and are grateful to all those who cooperated towards that effort. The unanimous message of support of the Council for the efforts of the United Nations is essential to move the parties beyond

the current impasse. Building consensus on the text was a laborious process in view of the double-track process used to prepare this resolution. We also strongly encourage that this modus operandi be reconsidered next year.

As both parties have the obligation to ensure respect for the human rights of the people of Western Sahara, Austria would have preferred explicit support for the Secretary-General's call on the parties for a continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights, with a view to ensuring respect for the human rights of the people of Western Sahara in the territory and the refugee camps.

At the same time, Austria strongly supports the resolution's call for progress in the human dimension of the conflict. The programme of visits by air should be continued without further delay and the visits by land inaugurated, as called for in this resolution.

We urge the parties to resume their dialogue as soon as possible and to work in good faith and without preconditions to overcome the impasse and provide the people of Western Sahara with the prospect of a dignified future of their choice.

Thus, Austria will continue to actively support all United Nations efforts towards a just, lasting and mutually acceptable solution that will provide for self-determination in accordance with international law. Austria stands ready to assist the Secretary-General and the parties in advancing their dialogue towards that goal.

Mr. Quarrey (United Kingdom): The United Kingdom strongly supports the negotiation process under the auspices of Ambassador Ross, which, as this Council has long maintained, should lead to a just, lasting and mutually acceptable political solution that provides for the self-determination of the people of Western Sahara. The unanimous adoption of resolution 1920 (2010) today sends an important message of the Council's support for Ambassador Ross in his efforts to build confidence between the parties.

The failure to resolve this conflict affects both the peoples of the region and regional cooperation to address the serious security threats that it faces. We strongly urge all those involved to remain committed to the negotiation process and to demonstrate further political will towards a solution by drawing on and developing the current proposals. They should avoid activity that could damage the negotiations, including acts that could violate the ceasefire agreements, which have played an important role in preserving peace.

We share the Secretary-General's concerns about the human dimension of the conflict and his call to address it through confidence-building measures. We welcome the expansion of the family visits programme, and we urge the parties to cooperate fully with the Office of the United Nations High Commissioner for Refugees to implement their agreement.

We also share the Secretary-General's concerns about the human rights situation. We believe that transparency and openness on human rights will do much to establish trust and confidence between the parties and thereby enable further progress in the negotiations. As noted by the Secretary-General, it is important to ensure respect for the human rights of the people of Western Sahara, both in the territory and in the refugee camps. We encourage the parties to make progress before next year by engaging with the Office of the High Commissioner for Human Rights, as called for by the Secretary-General, and by exploring options for the creation of other mechanisms to monitor the human rights situation.

We have today renewed the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for another year. In line with our ongoing discussions on peacekeeping, we underline the need for the Council to take a strategic view of all its peacekeeping operations. We should ensure that MINURSO is making a positive contribution to the resolution of the conflict in Western Sahara and not mandate a mission that entrenches the status quo. In this respect, we ask the Secretariat to develop suitable benchmarks against which the progress of MINURSO in achieving its mandate can be measured and to include an assessment of such progress in the next report with a view to its future configuration.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): Resolution 1920 (2010), extending by a further 12 months the mandate of the United Nations Mission for the Referendum in Western Sahara, is the result of prolonged and complex discussions, first within the Group of Friends and then within the Security Council. Working on the resolution, the Russian Federation saw the need to draft a Security Council decision that would ensure progress in the

negotiating process and be of use to the Personal Envoy of the Secretary-General, Mr. Christopher Ross, whose efforts we support.

The decision of the Security Council meets that need. The resolution achieves a good balance between the interests of the two parties and will help them to preserve and, we hope, consolidate their progress towards reaching a fair, lasting and mutually beneficial solution to the problem in Western Sahara. We are convinced that the resolution meets the criteria of impartiality and objectivity and, to the greatest possible extent, takes into account the perspectives of the parties. We believe that the resolution adopted today will facilitate effective progress in the settlement process in Western Sahara, with the support of the United Nations.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.55 p.m.